

Article - Transportation

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§16–803.

(a) In this subtitle the following words have the meanings indicated.

(b) “Commerce” means:

(1) Trade, traffic, and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States; and

(2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States.

(c) (1) “Commercial motor vehicle (CMV)” means a motor vehicle or combination of motor vehicles used to transport passengers or property, if the motor vehicle:

(i) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(ii) Has a gross vehicle weight rating of 26,001 or more pounds;

(iii) Is designed to transport 16 or more passengers, including the driver; or

(iv) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which requires the motor vehicle to be placarded under hazardous materials regulations (49 C.F.R. Part 172, Subpart F).

(2) “Commercial motor vehicle (CMV)” does not include a vehicle that is:

(i) 1. Controlled and operated by a farmer;

2. Used to transport agricultural products, farm machinery, or farm supplies to or from a farm;

3. Not used in the operations of a common or contract motor carrier; and

4. Used within 150 miles of the person’s farm;

(ii) An emergency vehicle:

1. Equipped with audible and visual signals; and
2. Operated by a member of or a person in the employ of a volunteer or paid fire or rescue organization;

(iii) A vehicle owned or operated by the United States Department of Defense if it is controlled and operated by:

1. Any active duty military personnel;
2. Any member of the military reserves or National Guard on active duty, including personnel on full-time National Guard duty and personnel on part-time training; or
3. Any National Guard military technician; or

(iv) A motor vehicle designed and constructed primarily to provide temporary living quarters for recreational, camping, or travel use.

(d) “Conviction” means a final unvacated adjudication of guilt, or a determination that an individual has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person’s appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, a probation before judgment finding, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(e) “Employer” means any individual, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns drivers to operate such a vehicle. An individual who employs himself as a commercial motor vehicle driver is considered to be both an employer and a driver for the purposes of this subtitle.

(f) “Endorsement” means an authorization to an individual’s commercial driver’s license required to permit the individual to operate certain types of commercial motor vehicles.

(g) “Gross combination weight rating (GCWR)” means:

(1) The value specified by the manufacturer as the loaded weight of a combination or articulated vehicle; or

(2) In the absence of a value specified by the manufacturer, GCWR shall be determined by adding the gross vehicle weight rating (GVWR) of the power unit and the total weight of the towed unit and its load.

(h) “Gross vehicle weight rating (GVWR)” means the value specified by the

manufacturer as the loaded weight of a single vehicle.

(i) “Hazardous materials” means any material that has been designated as hazardous under 49 U.S.C. § 5103 and is required to be placarded under Subpart F of 49 C.F.R. Part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73.

(j) (1) “Serious traffic violation” means:

(i) Excessive speeding, as defined by the United States Secretary of Transportation by regulation;

(ii) Reckless driving;

(iii) A violation of any state or local law relating to operating a motor vehicle, other than a parking violation, arising in connection with an accident or collision resulting in death to any individual;

(iv) Driving a commercial motor vehicle without obtaining a commercial instructional permit or a commercial driver’s license;

(v) Driving a commercial motor vehicle without a commercial instructional permit or a commercial driver’s license in the driver’s possession;

(vi) Driving a commercial motor vehicle without the proper class of commercial instructional permit or commercial driver’s license;

(vii) Driving a commercial motor vehicle without the proper endorsements for the commercial instructional permit or commercial driver’s license; or

(viii) Any other violation of a state or local law which the United States Secretary of Transportation determines by regulation to be serious.

(2) Serious traffic violation does not include vehicle weight and vehicle defect violations.

(k) (1) “Tank vehicle” means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or chassis.

(2) Tank vehicles include cargo tanks and portable tanks.

(3) Tank vehicle does not include portable tanks having a rated capacity under 1,000 gallons.

(l) “United States” means the 50 states and the District of Columbia.

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